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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; JERRY “J.J.”
ULRICH, an individual; SMASH
INNOVATIONS, LLC, a Wyoming limited
liability company; FERACODE, LLC, a Utah
limited liability company;

Defendants.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; and JERRY “J.J.”
ULRICH, an individual;

Counterclaim Plaintiffs,

vs.

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual,

Counterclaim Defendants.

**SHORT FORM DISCOVERY MOTION
TO AMEND SCHEDULING ORDER**

Case No. 2:19-cv-00105

Judge Tena Campbell
Magistrate Judge Paul M. Warner

Plaintiffs Michael Alexander and Smash Technology LLC hereby move to amend the scheduling order pursuant to DUCivR 37-1. For the reasons stated below, Plaintiffs request a 90-day extension of time for the deadlines set forth in the Second Amended Scheduling Order.

First, Plaintiffs have been actively seeking discovery in this case, but the nature of the case merits additional time and Plaintiffs are waiting on documents from third parties that Defendants refused to produce.

For example, Defendants Jerry Ulrich and Smash Solutions LLC failed to produce financial statements and other things requested back in June 2019.¹ After Defendants failed to provide these necessary documents, Plaintiffs served a meet and confer letter.² To date, Defendants have failed to produce the financial statements.

To move the process forward, Plaintiffs served subpoenas on four financial institutions. On April 17, 2020, Plaintiffs produced to Defendants more than 1,500 of pages of the statements received from two subpoenas, which should have been produced by Defendants months ago. In this case, document review is a time-intensive process, including tracking cryptocurrency converted into US dollars, which was then transferred, wired, and/or deposited across more than a dozen bank accounts.

Plaintiffs are currently waiting on additional responses from two entities, both of which have necessary information related to Plaintiffs' claims and defenses. Plaintiffs will likely require additional discovery before depositions can be scheduled. Despite the delays caused by

¹ See Request for Production No. 2, *attached at* Exhibit 1.

² See Exhibit 2.

Defendants' failure to respond, Plaintiffs will continue to seek the requested information through third parties.

Second, COVID-19 has delayed discovery. Plaintiff Michael Alexander lives in Indonesia, which has been under strict quarantine. Many of Alexander's files are stored in Las Vegas, Nevada, but he is currently unable to travel to the United States. Moreover, counsel's office is closed to comply with the shelter in place directives in Utah. Still, Plaintiffs are working remotely to provide as much information as possible in the discovery process, but this case requires depositions of third parties, service of subpoenas, and investigation.

As of the date of filing the death toll of COVID-19 continues to rise at an alarming rate. With that reality, new strategies are required to complete discovery that were not anticipated when the Second Amended Scheduling Order was approved on January 22, 2020.

CONCLUSION

For these reasons, there is good cause to extend all remaining discovery deadlines by 90 days. Plaintiffs respectfully request that the Court to enter the form of submitted herewith.

Dated: 23 April 2020

DEISS LAW PC

s/ Andrew G. Deiss

Andrew G. Deiss

Corey D. Riley

Attorneys for Plaintiffs

DUCivR 37-1(a)(4) CERTIFICATION

Plaintiffs made reasonable efforts to reach agreement on the disputed matters. On April 22, 2020, counsel for Plaintiffs emailed counsel for Defendants. On April 23, 2020, counsel for Ulrich Defendants responded that they are unwilling to stipulate to extend discovery, and counsel for Feracode responded that they take no position on the request.

Dated: 23 April 2020

DEISS LAW PC

s/ Andrew G. Deiss

Andrew G. Deiss

Corey D. Riley

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

This **SHORT FORM DISCOVERY MOTION TO AMEND SCHEDULING ORDER** was eFiled with the CM/ECF court system and thereby served by email on all counsel of record.

Dated: 23 April 2020

DEISS LAW PC

s/ Corey D. Riley